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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,663	11/29/2001	Eung Tae Kim	K-0356	2622

34610 7590 06/09/2005

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EXAMINER
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PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,663

Applicant(s)

KIM, EUNG TAE

Examiner

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 13-16, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. Applicant's amendment received on February 18, 2005, in which claims 3, 8, 18 were amended, claim 19 was canceled, and claims 20-21 were added, has been fully considered and entered, but the arguments with respect to claims 1-3, 6, 8-12, and 17-18 are not deemed to be persuasive.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-12, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US Patent no. 5,831,688) in view of Chang et al. (US Patent no. 6,735,253) for the same reasons as previously set forth in the last office action mailed on October 19, 2004.

Regarding claims 1-3, 8-12, 17-19, the applicant argues that Yamanda and Chang individually or in combination, do not teach an *"adaptive motion compensator performing an active global motion compensation on the output video data stream using global motion parameters estimated based on motion and macroblock ...on said output*

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*video data stream using said motion information*". While the examiner understands the applicant arguments, it should be noted that the combination of the prior art of record does disclose the limitations. In fact, Yamada clearly discloses the *re-encoding to generate a different bit rate* in col. 6, lines 38-47. In addition, the examiner previously acknowledged that the steps of *performing global motion compensation and further performing local motion compensation using motion compensation* were not specifically disclosed by Yamada and therefore, introduced Chang. Chang does teach performing a global motion estimation not only in col. 5, lines 27-33 and in col. 9, lines 11-15, but also from col. 9, line 48 to col. 10 line 59.

The applicant further argues that Chang does not teach or suggest any modification to Yamada related to re-encoding decoded data to provide different bit rate with increased accuracy. The examiner respectfully disagrees since such feature is suggested in Chang col. 12, lines 38-43.

The applicant further argues that *"In contrast Chang discloses methods of extracting moving objects from compressed bitstreams partially based on some camera global motion analysis in "shots"*. The argument made by the applicant is partially true since Chang does in fact use camera global motion analysis in shots (See Chang col. 10, lines 22-42). However, Chang does not only use camera global motion. In fact Chang further suggest modifying a global motion compensation technique to detect moving

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objects with a data re-encoding apparatus to prevent image degradation in col. 12, lines 38-43, in col. 9, lines 48-52, and in col. 11, lines 9-22.

The applicant's arguments with respect to Chang's camera global motion analysis are **misleading** since applicant's own claims (i.e., claim 2, lines 5-6, for example) call for "*motion parameters representing camera movement*". The applicant must specify the difference between the claimed "*motion parameters representing camera movement*", and Chang's camera global motion parameter. To the examiner Chang suggesting re-encoding in col. 12, lines 38-43, and global motion parameter in motion compensation in col. 10, lines 33-35 clearly suggest the applicant's invention.

The applicant further argues that Chang does not disclose a transcoding device. The examiner respectfully disagrees since reencoding is suggested in Chang fig. 9b, item 980, and in col. 13, lines 8-11, and lines 29-34).

4. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US Patent no. 5,831,688) in view of Chang et al. (US Patent no. 6,735,253) as applied to claims 1 and 11, and further in view of Nakaya (US Patent no. 6,178,202) for the same reasons as previously set forth in the last office action mailed on October 19, 2004.

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Regarding claims 6 and 15, the applicant did not present any specific argument with respect to the limitations of these claims. It is therefore, plausible to conclude that the claims were properly rejected.

5. Claims 4, 5, 7, and 13-16 remain objected, and claims 20-21 are also objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

June 7, 2005